

**Town of Milton
Town Council Meeting Minutes
October 4, 2004**

7:00 – PUBLIC HEARING:

A.) Carey Properties, LPD

Dave Rutt, attorney for Carey Properties noted that the preliminary plan was reviewed in detail by Planning & Zoning on September 21.

Mr. Rutt, Jeff Clark (landscape architect with Land Tech), and Mike Wigley (architect & planner with Davis, Bowen, & Friedel) made a presentation.

Jamie Brown asked if the Fire Department is ok with the alley size.

Don Post thinks this is “spot zoning”. The businesses along Route 5 are not safe for kids. It is wrong to “spot zone” for commercial, we should encourage commercial business to stay downtown.

Colby Cox of Chestnut Properties, LLC stated that their stance is one of support for the project and Mr. Carey. They do not support the road access to their property. It will negatively impact the entrance from Draper Boulevard. They do support a pedestrian connection.

B.) Signage – Section 8

Mr. Evans reported that Planning & Zoning has come up with a definition of a “flag” and a fixed fee.

OPEN FLOOR (7:50 p.m.):

- A.) Jane Burke of Lake Drive asked a question regarding the street light on Lake Drive. Councilwoman Betts reported that the Streets & Sidewalk Committee decided that there should be at least one street light on Lake Drive. Ms. Burke stated that 4 out of 6 property owners did not want a street light. Councilwoman Betts noted that the Town is concerned regarding liability if there is no light there.
- B.) B.) Mary Van House of Lake Drive notes that she shares Jane’s sentiment. She does not want to see a telephone type pole light because it would be an “eyesore” and block the pond.
- C.) C.) Sara Burnham of Lake Drive stated that she thinks a light is needed, but would prefer a newer one.
- D.) D.) Scott Wilkerson stated that he has a contract on a lot on Frederick Street and asked questions about the “sewer line”.
- E.) Don Post read a letter regarding the make-up of the Adhoc Sewer and Water Committee.

Councilwoman Betts offered the opening prayer at 8:00 p.m., followed by the Pledge of Allegiance to the Flag.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey
Councilwoman Leah Betts
Councilman Jerry Hudson
Councilman Gene Dvornick
Councilwoman Ronda Melson
Councilman Charles Fleetwood
Councilman Noble Prettyman

Others Present: Jocelyn Jenkins, Town Clerk
Eric Evans, Code Enforcer
Dawn Johnson, Administrative Assistant
William Phillips, Police Chief
Allen Atkins, Town Maintenance
Robin Davis, Town Maintenance
Tim Willard, Town Attorney
Bob Kerr, Engineer

Presentation and Approval of Minutes

Councilman Fleetwood made a *motion* to accept the minutes of the July 19, 2004 workshop meeting, seconded by Councilman Dvornick.

Motion carried – “Aye”

Councilwoman Melson made a *motion* to accept the minutes of the September 7, 2004 regular meeting, seconded by Councilman Hudson.

Motion carried – “Aye”

Committee Reports

Sewer & Water – Councilwoman Melson reported that the Adhoc Committee met on September 14. Representatives from Millsboro, DNREC, and CABA spoke in regard to Millsboro’s choice of deep well injection. The Committee also received responses from Lockwood/Hudson developers. The Committee met again on September 21 and September 30 to discuss growth projections, revenue and fees and treatment plant options. They also discussed the pro/con list made up by the Committee. The Adhoc Committee also requests an additional 30 days to make a recommendation to Council at the November meeting.

Streets & Sidewalks – Councilwoman Betts reported that the Committee met on September 24. The Secretary was sick, so there are no minutes to date. The Committee discussed Plum Alley and Reed Street. A letter was received and discussed from Jack

Hudson (on behalf of Fire Department) denying Town's request for parking spaces in the lot. It was the Committee's recommendation that the Town not put a fence.

Ordinance – Mayor Bushey reported that the Committee reviewed and revised the sign ordinance.

Personnel/Pension – No report.

Parks & Recreation –No report.

Economic Development – No report.

ADHOC Historic Preservation – Councilman Hudson reported that the Committee held a public hearing on September 28 and received quite a bit of input. The Committee is still on track.

Land Acquisition Committee – Councilman Dvornick reported that the Committee has a meeting on Tuesday.

Planning & Zoning –No report.

Board of Adjustment – Nothing to report.

Milton Development Corporation – Councilwoman Betts reported that the show was a success. They made over \$2600.

Finance/Risk Management – No report.

200th Anniversary – Councilman Fleetwood reported that the meeting will be November 10. Things are moving along.

Written Reports

Maintenance Report

Councilman Fleetwood made a ***motion*** to approve the report from the Maintenance Department, seconded by Councilwoman Betts.

Motion carried – “Aye”

Code Enforcer Report

Councilman Hudson made a ***motion***, seconded by Councilman Prettyman, to approve the Code Enforcer's Report.

Motion carried – “Aye”

Police Department Report

Councilman Hudson made a **motion**, seconded by Councilman Prettyman, to approve the Police Department Report.

Motion carried – “Aye”

Town Clerk Report

Councilman Fleetwood made a **motion** to approve the Town Clerk’s report, seconded by Councilman Dvornick.

Council asked questions regarding Mulberry Street and the check from DeDOT for Marshall and Bay. Mrs. Jenkins stated that there was a problem on DeDOT’s part with regard to the check. She will follow-up on the Mulberry Street project.

The question was called on the motion.

Motion carried – “Aye”

Correspondence

Councilwoman Melson read letters from:

1. Beebe Medical regarding Campaign 2004 – requesting a gift.
2. Tim Willard regarding Attorney fees – Executive Session
3. Bridgeville Mayor Joe Conaway regarding Apple Scapple Festival – Scapple Sling
4. Ken & Lynn Brittingham regarding water bill/broken pipe – referred to Water & Sewer Committee
5. Doug & Corey Marshall Steele – commending Robin Davis
6. Jay Saddington regarding streets
7. Delaware League Professional Development Seminar October 28 at the Atlantic Sands – Jocelyn and Eric to attend
8. Delaware League Community Design Seminar November 17 – Jocelyn and Eric to attend
9. Department of the Interior regarding Waterfowl Mitigation – October 9 at 7 p.m.
10. Eggs on the Coast at ENCS – October 9 at 7 p.m.
11. DeDOT regarding Route 16 and Route 5 drainage
12. Bob & Gloria Miller of Milton Senior Center – thanking Police Department for directing traffic and their attention to the problems at the home on Atlantic Street and speeding problem.
13. Bob Stickels of Sussex County Council regarding Community Block Grant

Old Business

Preserve on the Broadkill Variation fro Sidewalk Plan – Bob Blayney

Mr. Blayney stated that they would like to do brick sidewalks, not concrete as originally planned.

Councilman Dvornick made a *motion* to grant the request, seconded by Councilman Hudson.

Motion carried – 6 Aye
1 No (Bushey)

Lifting of Annexation Moratorium

Councilman Fleetwood asked if we are going to implement a standard agreement or do on a case by case basis.

Mr. Willard recommended spelling out the annexation procedure.

Councilman Fleetwood made a *motion* to lift the moratorium with the understanding that the Town is not prepared to offer wastewater at this point and the Economic Development Committee will develop individual annexation agreements.

Councilman Hudson asked Mr. Willard if he is comfortable lifting the moratorium? Mr. Willard noted that his comfort level would increase if Council had an ordinance in place prior to lifting the moratorium.

Councilman noted that is his scary to lift the moratorium without an ordinance in place.

Councilman Fleetwood withdrew his motion. (There was no second anyway.)

Mrs. Jenkins noted that she has some concerns regarding the process.

This item will be on the November agenda.

Consideration of Property Use – Sachs

Councilman Hudson stated that he has concerns with regard to it fitting in with the neighborhood. He likes the 28' easement, but he likes the original proposal for the number of lots.

Mr. Willard stated that with regard to Section 17-34, the foundation for the request is to there. Mr. Sachs noted that the hardship is wetlands and topography.

Councilman Hudson stated that he doesn't like the density question, but he doesn't want to circumvent the subdivision ordinance either.

This item was referred to Planning & Zoning.

New Business

Sign Ordinance

Councilman Dvornick made a **motion** to approve the sign ordinance, seconded by Councilman Prettyman.

Motion carried – “Aye”

Councilman Dvornick made a **motion** that the fee for an announcing sign be \$150. Councilman Fleetwood seconded the motion.

Motion carried – “Aye”

Carey Properties Decision

Councilman Fleetwood made a **motion** to defer a decision until after Planning & Zoning makes their recommendations on October 19 and schedule a public hearing for next month or December. Councilman Dvornick seconded the motion.

Motion carried – “Aye”

Milton Historical Society – Denny Hughes

Mr. Hughes said that stated that there are rumors going around. The Historical Society isn't moving or selling the building. They have had structural damage and are going to “renovate”. They are doing some long-range planning, including a fundraiser and more exhibits. The next meeting is Thursday at the Fire Hall at 7:00 p.m.

Milton Library – Denny Hughes

Mr. Hughes stated that the library is a County Library and if anyone has any problems or concerns, they need to call Bob Stickels. The Friends of the Milton Library did not design the library.

Abandonment of Lot Lines – Colby Cox

This is for Phases 3A and 3B.

Councilman Fleetwood made a **motion** to approve the request for abandonment of lot lines, seconded by Councilwoman Melson.

Mr. Kerr noted that a correction needs to be made to convey the pump station to the Town, not Cannery Village.

The question was called on the motion.

Motion carried – 6 Aye
1 No (Dvornick)

Recommendation from Water & Sewer Committee for sewer line down Frederick Street
Councilwoman Melson made a ***motion*** to send out to bid for installation of a sewer line and street light on Frederick Street and to check the water flow and pay from the transfer tax fund. Councilwoman Betts seconded the motion.

Motion carried – “Aye”

Request from Preserve on the Broadkill regarding Reimbursement for Sewer Expenses
Councilwoman Melson stated that the Water & Sewer Committee recommended not reimbursing the fees.

Any Other Business

Don Post Letter (read during Open Floor)

Forwarded to Tim Willard for response.

Response to Open Floor Comments

The Open Floor comments raised at the last Town Council meeting have been addressed and copies are available.

Executive Session

Councilman Fleetwood made a ***motion*** to go into Executive Session regarding pending litigation at 9:24 p.m., seconded by Councilwoman Betts.

Motion carried – “Aye”

Council came out of Executive Session at 9:40 p.m.

Councilman Hudson made a ***motion*** to proceed with the decisions discussed in Executive Session. Councilwoman Melson seconded the motion.

Motion carried – “Aye”

Adjournment

The meeting was adjourned at 9:41 p.m.

Respectfully submitted,

Dawn Johnson
Administrative Assistant

:10/27/04